Wendell Rigby

October 11, 2022

Wasatch County Planning and Zoning Department, 35 S 500 E Heber City UT 84032

✓Wasatch County Planning Commission, 35 S 500 E Heber City UT 84032

Wasatch County Council, 25 North Main Street Heber City UT

Wasatch County Attorney, Civil Division, 805 W 100 South, Heber City UT 84032

Please distribute a copy of this letter to each Planning Commissioner and each County Council Member and appropriate employees in the PZD and County Attorney's Office

RE: Proposed Mormon Temple

Commissioners, Council Members, Planning and Zoning Staff, County Attorney,

It is likely unprecedented, for an applicant to hold a Ground-Breaking Ceremony prior to a public hearing or approval for a conditional use permit in Wasatch County. I assume the Commissioners and Council Members have a duty to be independent and unbiased on any public matter that comes before them. Were any of you contacted by the LDS Church prior to their closing on the property about a possible Temple on the property? That will be an important factual matter to be addressed at some point. Were any opinions or indications of votes to approve, expressed to the applicant prior to closing or prior to a public hearing? The ceremony/event held on Saturday required an event ticket which restricted public access to the event.

The zoning of the recently purchased LDS parcels on Center St. is RA-1., Residential Agricultural. Parcel numbers 08-9990 of 7.68 acres and 12-8884 of 9.46 acres. The buyer knew the zoning when they purchased the parcels. The Wasatch County Code, Land Development Code, Title 16 provides information about zoning and developments. Title 16.08 outlines the purpose of the RA-1 zoning including, Residential, Lot Area, Lot Width, Lot Area Per Dwelling, Lot Frontage, Setback Requirements, Building Height, Permissible Lot Coverage. The chapter is ALL about Residential lots and developments. It lists some conditional uses as possibilities in this zoning with one being "religious activities". There is no definition or clarification of religious activities. It sounds like there is going to be a very liberal interpretation and definition of religious activities that would even justify 10 stories, a 200-foot spire and 1000 car parking lot. Apparently, there is no limit or restrictions on the term of "religious activities" in a residential zone.

A complete reading of the purpose and details of the RA-1 Zoning, in the County Land Development Code, would clearly NOT support a massive 85-foot-high Temple within this residential agricultural zoning. It is beyond a real stretch to say that an 85-foot-high building qualifies as mere "religious activities" and to forget and ignore what the other 99.99% of Title 16.08 says, about Residential development. I cannot imagine what findings and contortions would have to be made to support a conditional use permit for a Temple as described. A

massive 85-foot-building with a 100-foot spire and a nearly 500 car parking lot on 17 acres would be in stark contrast to the alternative, a residential development on the 17 acres that meets the zoning requirements and the County Land Development Code.

The merits for this property being used for a Mormon Temple are not good. The property is surrounded on four sides by residential property with one-acre residential parcels on the south border. The property was marketed for sale as an Agricultural and Residential property. The proposed Mormon Temple belongs on Highway 40 or in a commercially zoned area. I recently drove by the Temple in Afton Wyoming, which is on a state highway through the middle of the town, and not off on a side street in a residential neighborhood.

I follow the commercial real estate market in this area. There are, there have been, and there will be, appropriate properties for sale on Highway 40 through Heber and towards Provo Canyon that would be appropriate for the Temple. The LDS Church can sell the property now and recoup their investment.

The height of homes allowed in the RA-1 zoning is 35 feet. The height of the building and spire will be 155 feet over the permissible heights for RA-1 zoning and the height of all the residential neighborhoods surrounding the proposed site and building. I just learned today about the 190-foot-tall building and spire. This will be in our view corridor and everyone else in the Red Ledges Community. How can this height be justified as needed for religious activities. What religious activities are needed or occur on the 100-foot spire?

The neighboring Red Ledges Community has a very strict limitation on night lighting, imposed by Heber City, which has greatly reduced the impact of night lighting. My understanding is that the proposed building and spires may be lit up throughout the night. Why would this be allowed? What about the conservation of limited energy resources and the impact to homeowners in the area? Why would the surrounding residential communities have a greater requirement for night lighting than the proposed massive 7-story high building.

Is an independent traffic study going to be required? This study should be done by a 100%, completely independent third party, with no connections to Heber City, Wasatch County, the LDS Church, Commissioners or Council Members. The traffic impact of the Ground-Breaking Ceremony indicates that a traffic study absolutely needs to be done. We drove by the police presence and the traffic coordinators on Saturday at approximately 1:35 PM, near the time of the event. Traffic was significantly backed up. This is just a preview of what will happen in the future. I have been told that there is very little, or no traffic generated by the Temple. Then why is there a nearly 500 space parking lot being proposed? If no traffic study is required, please explain why it is not required.

I believe the applicant knows they have all the votes. The Ground-Breaking Ceremony is evidence of that. Aren't you required to be neutral? I can only hope that the Commissioners and Council Members are informed and constrained by the public, the County Land Development Code, the current zoning, building codes, height limitations and simple rational

analysis. This is NOT the right location. This is the WRONG location. I urge you to vote AGAINST a massive 85-foot-high building, plus a 100-foot spire and a nearly 500 car asphalt paved parking lot, to be constructed in residential zoning, in a residential neighborhood.

Is there a conflict of interest between the personal preferences of Commissioner's and Council Members based on their personal religion and their duty to serve the Public by upholding the law and the County Land Code Development? If there is a conflict, Commissioners and Council Members need to recuse themselves from voting on this matter. The County Attorney may need to advise each Commissioner and Council Member about the rules on recusal. This should be a public advisement by County Counsel at every meeting considering this matter.

Approval of this project by the Wasatch County Planning Commission and Wasatch County Council will likely illicit a major lawsuit against the County for ignoring, and for not following the Wasatch County Land Development Code and the RA-1 zoning of the two parcels. The facts will be stacked against the County. The County taxpayers will suffer through years or maybe a decade of legal expenses that could have been avoided by encouraging the LDS Church to find a more appropriate and suitable location with the right zoning.

Thank You,

Carl W. Womack

Homeowner and Member of the Red Ledges Community